

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2174 OF 2018

|                                                                                              |                                         |
|----------------------------------------------------------------------------------------------|-----------------------------------------|
| Jayant R. Mhalgi<br>V/s.<br>Pune Metropolitan Regional<br>Development Authority, Pune & Anr. | ...Petitioner<br><br><br>...Respondents |
|----------------------------------------------------------------------------------------------|-----------------------------------------|

WITH  
CIVIL APPLICATION NO.444 OF 2018  
IN  
WRIT PETITION NO.2174 OF 2018

|                       |                                   |
|-----------------------|-----------------------------------|
| Smita M. Joshi & Anr. | ...Applicants /<br>...Intervenors |
|-----------------------|-----------------------------------|

**IN THE MATTER BETWEEN :**

|                                                                                              |                                         |
|----------------------------------------------------------------------------------------------|-----------------------------------------|
| Jayant R. Mhalgi<br>V/s.<br>Pune Metropolitan Regional<br>Development Authority, Pune & Anr. | ...Petitioner<br><br><br>...Respondents |
|----------------------------------------------------------------------------------------------|-----------------------------------------|

Mr.G.S. Godbole i/b Mr.Sumit S. Kothari for the Petitioner.

Mr.Nitin P. Deshpande for the Respondent No.1.

Mr.Jaydeep Deo for the Intervenor in Civil Application No.444 of 2018.

Ms.Kavita N. Solunke, A.G.P. for the State – Respondent No.2.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 26TH FEBRUARY, 2018.**

**P.C. :-**

1. By this petition filed under Article 227 of the Constitution of India the petitioner has impugned the order dated 15<sup>th</sup> January, 2018. It appears that the learned Minister, who had granted stay in the appeal filed under section 47 of the Maharashtra Regional Town Planning Act, 1966 after hearing the petitioner, has vacated and set aside the said order dated 6<sup>th</sup> December, 2017 without issuing any notice to the petitioner and without rendering any hearing. The petitioner was communicated about such order by a clerk of the learned Minister on WhatsApp. This position is not controverted by any of the respondents before this Court inspite of an opportunity given to the parties.

2. This Court after making various observations in the order dated 18<sup>th</sup> January, 2018 had granted stay of the impugned order and had restored the earlier stay order granted by the learned Minister dated 6<sup>th</sup> December, 2017.

3. The impugned order passed by the learned Minister vacating the stay order dated 6<sup>th</sup> December, 2017 is accordingly set aside. The stay granted on 6<sup>th</sup> December, 2017 is restored to file. Learned Minister shall proceed with the hearing of the appeal described in prayer clause (a) of the petition and shall dispose of the said appeal expeditiously and not later than four weeks from the date of communication of this order. The interim stay dated 6<sup>th</sup> December,

2017 to continue till the disposal of the appeal and in the event of any adverse order is passed against the petitioner, the same shall be continued for a period of two weeks from the date of communication of the said order.

4. If any intervention application is made by the original complainant before the learned Minister in the pending appeal, the same shall be decided on its own merits after hearing the petitioner herein.

5. The writ petition is disposed of in aforesaid terms. No order as to costs.

6. All the parties to act on the authenticated copy of this order.

7. The parties are directed to remain present before the learned Minister on 7<sup>th</sup> March, 2018 at 3:00 p.m.

8. In view of this order passed in the writ petition, Civil Application No.444 of 2018 does not survive and is accordingly disposed of.

**(R.D. DHANUKA, J.)**